

Conformity Analysis Documentation

for Project-Level Conformity Determinations in Metropolitan Nonattainment/Maintenance Areas¹

June 2007

40 CFR	Criteria	Page	Comments
§93.102	Document the applicable pollutants and precursors for which EPA designates the area as nonattainment or maintenance. Describe the nonattainment or maintenance area and its boundaries.		
§93.104 (d)	Document whether a new conformity determination is required per this section: this is a new project; a significant change in design concept and scope; three years since the most recent step to advance the project; a supplemental EA/EIS was initiated for air quality purposes.		
§93.109 (a, b)	Document which conformity criteria apply based on action, relevant pollutants and the status of the implementation plan.		
§93.109 (f)(1)	In CO nonattainment and maintenance areas, document that the hot-spot test required by 93.116(a) and, as applicable, 93.11(b) are satisfied.		
§93.109 (g)(1)	In PM10 nonattainment and maintenance areas, document that the hot-spot test required by 93.116(a) is satisfied.		
§93.109 (i)(1)	In PM2.5 nonattainment and maintenance areas, document that the hot-spot test required by 93.116(a) is satisfied.		
§93.110 (a,b,f)	Document the use of latest planning assumptions (source and year) at the "time the conformity analysis begins," including current and future population, employment, travel and congestion. Document the use of the most recent available vehicle registration data. Document the date upon which the conformity analysis was begun. Document assumptions for current and future background concentrations.		
USDOT/EPA guidance	Document the use of planning assumptions less than five years old. If unable, include written justification for the use of older data. (1/18/02)		
§93.111(a,c)	Document the use of the latest emissions model approved by EPA.		
§93.112	Document fulfillment of the interagency and public consultation requirements outlined in a specific implementation plan according to §51.390 or, if a SIP revision has not been completed, according to NEPA requirements. Include documentation of consultation on conformity tests and methodologies, summary of comments and the responses to comments.		
§93.114(a)	Document the name of the currently conforming RTP and TIP and the date of the FHWA/FTA conformity determination on those documents.		
§93.115	Document that the project comes from the currently conforming RTP and TIP (i.e. 1) that the project is included in the regional emissions analysis for the RTP and TIP and that the project's design concept and scope have not changed significantly; 2) the open to traffic year is consistent; and 3) the TIP listing includes project-level emissions mitigation, control measures or written commitments as required.)		
§93.116(a) ²	Document that the project does not cause or contribute to any new localized PM or CO violations or increase the frequency of an existing violation during the timeframe of the transportation plan (or regional emissions analysis). For PM nonattainment or maintenance areas, document whether the project was determined, through interagency consultation, to be a "project of air quality concern" per §93.123(b)(1).		
§93.116(b)	In CO nonattainment areas, document that the project eliminates or reduces the severity and number of localized CO violations in the areas substantially affected by the project.		
§93.117 ³	Document that the project complies with any PM10 or PM2.5 control measures in the applicable attainment plan.		

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§93.123(a)	In CO nonattainment/maintenance areas, document how the required procedures, including the <i>CA Project-Level Carbon Monoxide Protocol</i> , were met for CO hot-spot analyses. The analysis should document that the hot-spot analysis covered the most congested intersections affected by the project in the year representing the maximum CO contribution.		
§93.123(b)	In PM nonattainment and maintenance areas, document how the required procedures were met for PM hot-spot analyses. If the project was determined not to be a “project of air quality concern”, document that no hot-spot analysis is required.		
§93.123(c)(3)	Document that the assumptions used in the hot-spot analysis are consistent with those used in the regional emissions analysis.		
§93.123(c)(4)	Include written commitments, consistent with §93.125 or an approved conformity SIP, for mitigation or control measures assumed in the hot-spot analysis.		
§93.123(c)(5)	Document the length of the project construction period and whether or not construction emissions were considered in the hot-spot analysis.		

¹ The checklist does not apply to projects in “donut” areas (40 CFR 93.105(c)(3)).

² Applies for hot-spot analyses in CO and PM nonattainment and maintenance areas only.

³ Applies for project-level conformity determinations in PM10 and PM2.5 nonattainment areas only.

Disclaimer

This checklist is intended solely as an informational guideline to be used in reviewing documentation for project-level conformity determinations. It is in no way intended to replace or supersede the Transportation Conformity regulations of 40 CFR Parts 51 and 93.